

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

HAJRULLA “ARI” SHEKO,

Plaintiff,

v

Case No. 2020-181031-CB

Hon. James M. Alexander

LYLE THICK,

Defendant.

_____ /

OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On April 30, 2020, the individual Plaintiff filed a Complaint against the individual Defendant on allegations that Defendant has engaged in member oppression, has breached his fiduciary duty, has converted property, and has been unjustly enriched as a member of the parties’ limited liability company, namely Eller Services, LLC. While Plaintiff has not filed a Notice of Assignment to the Business Court in this matter, he does assert on the face of the Complaint that this case meets the statutory requirements to be assigned to the Business Court.

This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 587-588; 644 NW2d 54 (2002).

Business court jurisdiction is limited to actions involving a “business or commercial dispute.” MCL 600.8035(3). The statute defines a business or commercial dispute as:

- (i) An action in which all of the parties are business enterprises.
- (ii) An action in which one or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members of a limited liability company or a similar business organization,

- directors, officers, agents, employees, suppliers, guarantors of a commercial loan, or competitors, and the claims arise out of those relationships.
- (iii) An action in which 1 of the parties is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances. MCL 600.8031(1)(c).

Here, Plaintiff has not provided any factual allegations within the Complaint to support the premise that any of the parties are business enterprises or non-profit organizations for this case to qualify as a business or commercial dispute under MCL 600.8031(1)(c) and MCL 600.8035(1).

In its May 11, 2020 Opinion and Order Regarding Business Court Jurisdiction, the Court provided Plaintiff with an opportunity to file an Amended Complaint by Monday, May 25, 2020, or the case would be excluded from business court jurisdiction and reassigned to the general civil docket.

Plaintiff has not amended the Complaint within the requisite time frame and as a result, the Court finds that this action does not qualify as a business or commercial dispute as defined by MCL 600.8035(1). For this reason, the lawsuit is excluded from business court jurisdiction and the Court orders the case to be coded CZ and reassigned to the general civil docket.

IT IS SO ORDERED.

May 27, 2020
Date

/s/ James M. Alexander
Hon. James M. Alexander
Circuit Court Judge